

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

CO-CHAIR:
SEN. MAGGIE CROTTY

CO-CHAIR:
REP. ANGELO "SKIP" SAVIANO

EXECUTIVE DIRECTOR:
VICKI THOMAS



700 STRATTON BUILDING
SPRINGFIELD, ILLINOIS 62706
211/785-2254

SEN. PAMELA ALTHOFF
SEN. DON HARMON
SEN. JOHN O. JONES
SEN. DALE A. RIGHTER
SEN. IRA SILVERSTEIN
REP. GREG HARRIS
REP. LOU LANG
REP. DONALD L. MOFFITT
REP. ROSEMARY MULLIGAN
REP. ANDRE THAPEDI

MINUTES

April 17, 2012

Meeting Called to Order

The Joint Committee on Administrative Rules met on April 17, 2012 at 9:30 a.m. in Room A-1 of the Stratton Office Building in Springfield, Illinois.

Co-Chair Crotty called the meeting to order and announced that the policy of the Committee is to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. Other persons are encouraged to submit their comments in writing.

ATTENDANCE ROLL CALL

X Senator Pamela Althoff	X Representative Greg Harris
X Senator Maggie Crotty	X Representative Lou Lang
X Senator Don Harmon	X Representative Donald Moffitt
X Senator John O. Jones	Representative Rosemary Mulligan
X Senator Dale Righter	X Representative Angelo "Skip" Saviano
X Senator Ira Silverstein	X Representative Andre Thapedi

APPROVAL OF THE MINUTES OF THE MARCH 6, 2012 MEETING

Senator Althoff moved, seconded by Representative Harris, to approve the minutes of the March 6, 2012 meeting. The motion passed unanimously.

REVIEW OF AGENCY RULEMAKINGS

Illinois Commerce Commission – Obligations of Retail Electric Suppliers (83 Ill. Adm. Code 412; 35 Ill. Reg. 12996) and Internet Enrollment Rules (83 Ill. Adm. Code 453; 35 Ill. Reg. 13017)

Senator Silverstein moved, seconded by Senator Jones, that JCAR and ICC agree to extend the Second Notice Period for these rulemakings for an additional 45 days. The motion passed unanimously.

State Board of Education – Evaluation of Certified Employees Under Articles 24A and 34 of the School Code (23 Ill. Adm. Code 50; 35 Ill. Reg. 19467)

Representative Lang moved, seconded by Senator Althoff, that JCAR and SBE agree to extend the Second Notice Period for this rulemaking for an additional 45 days. The motion passed unanimously.

Illinois Environmental Protection Agency – Environmental Laboratory Certification Fee Rules (35 Ill. Adm. Code 185; 35 Ill. Reg. 20983)

Representative Thapedi moved, seconded by Representative Moffitt, that JCAR recommend that EPA update its rules prior to implementing new policies and procedures, not after. The motion passed unanimously.

Teachers' Retirement System – The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650; 35 Ill. Reg. 21013)

Senator Harmon moved, seconded by Representative Saviano, that JCAR recommend that, in the future, TRS refrain from implementing new policies until rulemaking codifying those policy changes have been adopted. TRS reported it had already implemented the changes that are being proposed in this rulemaking, contrary to Sections 1-70 and 5-10(c) of the IAPA. The motion passed unanimously.

CONSIDERATION OF OTHER RULEMAKINGS

Co-Chair Crotty asked if any members requested consideration of any other rulemaking. Representative Lang requested consideration of an SOS rulemaking, Senator Harmon requested consideration of an ESRB rulemaking, and Senator Righter requested consideration of a DVA rulemaking.

Secretary of State – Public Use of the Capitol Complex and Springfield Facilities (71 Ill. Adm. Code 2005; 36 Ill. Reg. 814)

Cynthia Grant, Assistant Legal Counsel, represented the SOS.

Representative Lang asked if the rulemaking limited the hours that public may access the Capitol.

Ms Grant stated that SOS was updating the rules to reflect policy that the buildings are open from 8:00 am until 5:00 pm unless otherwise posted.

Representative Lang asked during what hours the public can currently access office buildings.

Ms Grant responded that most buildings are accessible from 8:00 am until 5:00 pm unless otherwise posted.

Representative Lang asked if this rulemaking is merely codifying what SOS is already doing.

Ms Grant agreed.

Representative Lang asked if this rulemaking limits public access to the Capitol building.

Ms Grant responded that it does not.

Elevator Safety Review Board – Illinois Elevator Safety Rules (41 Ill. Adm. Code 1000; 35 Ill. Reg. 15819)

Senator Harmon moved, seconded by Senator Jones, that JCAR and the Elevator Safety Review Board agree to extend the Second Notice Period for this rulemaking for an additional 45 days. The motion passed unanimously.

Department of Veterans' Affairs – MIA/POW Scholarship (95 Ill. Adm. Code 116; 35 Ill. Reg. 8413)

Senator Righter moved, seconded by Senator Althoff, that JCAR and DVA agree to extend the Second Notice Period for this rulemaking for an additional 45 days. The motion passed unanimously.

CERTIFICATION OF NO OBJECTION

Representative Harris moved, seconded by Representative Saviano, that the Committee inform the agencies to whose rulemakings the Committee did not vote an Objection or an Extension, or did not remove from the No Objection List, that the Committee considered their respective rulemakings at the monthly meeting and, based upon the Agreements for modification of the rulemakings made by the agencies, no Objections will be issued. The motion passed unanimously.

AGENCY RESPONSES

Secretary of State – Procedures and Standards (92 Ill. Adm. Code 1001; 35 Ill. Reg. 14916)

Senator Althoff moved, seconded by Senator Righter, that JCAR withdraw the Filing Prohibition on this rulemaking contingent upon, and effective with, the Secretary adopting the rulemaking with the offered modifications. The motion passed unanimously by a rollcall vote of 11-0-0 (Mulligan – Absent).

Department of Agriculture – Meat and Poultry Inspection Act (8 Ill. Adm. Code 125; 35 Ill. Reg. 19553) (Peremptory)

Senator Righter moved, seconded by Senator Althoff, that JCAR publish a Notice of Failure to Remedy the Objection. The motion passed unanimously.

Department of Natural Resources – Hound Running Areas (17 Ill. Adm. Code 970; 35 Ill. Reg. 6742)

Secretary of State – Illinois Safety Responsibility Law (92 Ill. Adm. Code 1070; 35 Ill. Reg. 20125)

Illinois Student Assistance Commission – John R. Justice Student Loan Repayment Program (23 Ill. Adm. Code 2754; 36 Ill. Reg. 556) (Emergency)

Based on the appropriateness of the agencies' responses, no further action.

MAY MEETING DATE

Co-Chair Saviano announced that the next monthly meeting is scheduled for Tuesday, May 15, 2012, at 9:30 a.m., Room A-1, Stratton Office Building, Springfield IL.

ADJOURNMENT

Representative Saviano moved, seconded by Senator Harmon, that the meeting stand adjourned. The motion passed unanimously.

Min:1204Apr